

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

MATTHEW AUGUSTINO,

Plaintiff,

v.

THURSTON COUNTY, a municipal corporation, ZACHERY WILSON, an individual, MATTHEW THAYER, in his individual and official capacity; MARILEE WARREN, in her individual and official capacity; ADEWOLE ADEBAYO, in his individual and official capacity; MATTHEW COLLINS, in his individual and official capacity; DANIEL ROBERTSON, in his individual and official capacity; and AUSTIN BOSWELL, in his individual and official capacity; ORION WOOD, in his individual and official capacity; DANIEL BITTNER, in his individual and official capacity; TIMOTHY LEE, in his individual and official capacity, and KENDALL REED, in his individual and official capacity,

Defendants.

No. 3:23-cv-06035-BHS

ORDER REGARDING ACCEPTED OFFER  
OF JUDGMENT

NOTED FOR CONSIDERATION:  
OCTOBER 28th, 2024

The Court has reviewed (a) the Stipulation Regarding Acceptance of Offer of Judgment filed by Plaintiff Matt Augustino and Defendants Thurston County, Matthew Thayer, Marilee Warren, Adewole Adebayo, Matthew Collins, Daniel Robertson, Austin Boswell, Orion Wood, Daniel Bittner, Timothy Lee, and Kendall Reed, and (b) Thurston County Defendants' Offer of Judgment and Plaintiff's Notice of Acceptance of Offer of Judgment (Exhibit A to Stipulation).

ORDER REGARDING ACCEPTED OFFER OF JUDGMENT - 1

No. 3:23-cv-06035-BHS

MACDONALD HOAGUE & BAYLESS  
705 Second Avenue, Suite 1500  
Seattle, Washington 98104  
Tel 206.622.1604 Fax 206.343.3961

1 Accordingly, pursuant to Plaintiff's Acceptance of the Thurston County Defendants' Offer  
2 of Judgment, the Stipulation, and Fed. R. Civ. Pro. 68, IT IS HEREBY ORDERED:

3 (1) All individual Thurston County Defendants (Matthew Thayer, Marilee Warren,  
4 Adewole Adebayo, Matthew Collins, Daniel Robertson, Austin Boswell, Orion Wood, Daniel  
5 Bittner, Timothy Lee, and Kendall Reed) are hereby **DISMISSED** with prejudice and without  
6 costs or fees.

7 (2) The Clerk shall **ENTER JUDGMENT** against Thurston County for \$151,000, plus  
8 reasonable attorney's fees and costs as subsequently determined by the Court on application of  
9 Plaintiff, unless the parties reach an agreement without the need for an application to the Court.

10 (3) Plaintiff is **ORDERED** to move for an award of reasonable attorney's fees and  
11 costs within 21 days of entry of judgment, unless the parties reach an agreement without the need  
12 for an application to the Court in which case the parties shall file a joint status report.

13  
14 **IT IS HEREBY ORDERED.**

15  
16 DATED this 29th of October, 2024.

17  
18 

19 BENJAMIN H. SETTLE  
20 United States District Judge

1 Presented by:

2  
3 **MacDONALD HOAGUE & BAYLESS**

4 By: /s/Katherine Chamberlain

5 Katherine Chamberlain, WSBA #40014

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9 *Attorneys for Plaintiff Matthew Augustino*

**KEATING BUCKLIN & MCCORMACK,  
INC., P.S.**

[Electronic permission to affix signature  
granted on October 25th, 2024]

By: /s/Ann E. Trivett

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Matthew Thayer, Marilee Warren, Adewole  
Adebayo, Matthew Collins, Daniel  
Robertson, Austin Boswell, Orion Wood,  
Daniel Bittner, Timothy Lee, and Kendall  
Reed*

CERTIFICATE OF SERVICE

I, Chris Bascom, declare under penalty of perjury under the laws of the United States of America that I caused to be served in the manner noted below a copy of the document entitled PROPOSED ORDER REGARDING ACCEPTED OFFER OF JUDGMENT, on the following participants:

**KEATING, BUCKLIN & MCCORMACK, INC., P.S.**

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 Collins, Adewole Adebayo, Daniel Robertson,  
 Austin Boswell, Orion Wood, Daniel Bittner,  
 Timothy Lee, and Kendall Reed*

- ☒ Via Clerk of the Court (CM/ECF System)  
☐ Via Facsimile  
☐ Via First Class Mail  
☐ Via Email  
☐ Via Overnight Delivery

**THURSTON COUNTY PROSECUTOR'S OFFICE**

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*Attorney for Defendants Thurston County,  
 Matthew Thayer, Marilee Warren, Matthew  
 Collins, Adewole Adebayo, Daniel Robertson and  
 Austin Boswell*

- ☒ Via Clerk of the Court (CM/ECF System)  
☐ Via Facsimile  
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ORDER REGARDING ACCEPTED OFFER OF JUDGMENT - 4

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- ☐ Via Clerk of the Court (CM/ECF System)  
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☒ Via First Class Mail  
☐ Via Email  
☐ Via Overnight Delivery

DATED this 28<sup>th</sup> day of October, 2024 at Seattle, Washington.

/s/Chris Bascom

Chris Bascom. Legal Assistant